

### **REMARKS/ARGUMENTS**

The Examiner is thanked for the clarity and conciseness of the previous Office Action, and for the citation of references, which have been studied with interest and care.

This Amendment is in response to the Office Action mailed August 19, 2004. In the Office Action, claims 1-3, 5-13, 15-28, and 30-40 stand rejected under 35 U.S.C. §102, and claims 4-14 and 29 stand rejected under 35 U.S.C. §103.

Applicant has amended independent claims 1, 11, 21, and 26 to further clarify the embodiments of the invention. Further, Applicant has canceled dependent claims 3, 8, 13, 18, 23, 28, 33, and 36-40.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***Rejection Under 35 U.S.C. § 102***

Particularly, claims 1-3, 5-13, 15-28, and 30-40 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,442,519 issued to Kanevsky (hereinafter Kanevsky).

Anticipation requires that each and every element as set forth in the claim be found, either expressly or inherently described, in a single prior art reference. MPEP § 2131; Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). However, it is not enough that the prior art reference disclose all the elements in isolation. Rather as stated by the Federal Circuit, "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim*. Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1985) (*emphasis added*). Thus, even if the prior art reference includes all the elements that are claimed, if the arrangement of the claimed elements is different from the arrangement of the prior art elements, anticipation will not be present. Moreover, as the Federal Circuit has stated, "[t]he

*identical invention* must be shown in as complete detail as is contained in the...claim." MPEP § 2131; Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236. (*emphasis added*).

Applicant has amended independent claims 1, 11, 21, and 26 such that they all generally recite that...when there is a network connection between the client device and the server...the server and client device together implement *a single user speech recognition system* in which speech data is received by the server *solely from the client device* such that the acoustic model adapter adapts *a client device specific acoustic model particularly for the client device*.

In contrast, Kanevsky "is related to speech recognition and more particularly to speech recognition on multiple connected computer systems connected together over a network." (Kanevsky, column 1, lines 26-29) (*emphasis added*).

Kanevsky is entitled Speaker Model Adaption Via Network of Similar Users. Thus, Kanevsky is related to the adaption of acoustic models based on the networking of similar users.

As set forth in the abstract of Kanevsky, Kanevsky discloses a speech recognition system method and program product for recognizing speech input from computer users connected together over a network of computers...Speech recognition computer users on the network are clustered into classes of similar users according to their similarities, including characteristics, nationality, profession, sex, age, etc...User characteristics are collected from databases over the network and from users using the speech recognition system and then, distributed over the network during or after user activities...Update information, including information about user activities and user acoustic model data, is transmitted over the network and identified similar language models are updated... Acoustic models improve for users that are connected over the network as similar users use the respective speech recognition system. (*Emphasis Added*).

More particularly, as shown in Figure 2, and as described in the corresponding text in Kanevsky (column 7, lines 19-40), different user acoustic models are clustered into classes according to acoustic similarities of the users, thereby clustering the speakers based on vocal and verbal similarities...First, in step 122, acoustic profile data for individual users previously accumulated and stored in the local databases are passed over the network 100 to the server

106...The user acoustic data are compared in step 124 of the server 106...In step 126, based on that comparison, users are clustered into classes of similar users according to acoustic voice similarities...Then, in step 128, different acoustic models (i.e., different domains) are compared in sets associated with similar users to derive cluster update data...Finally, in step 130, acoustic model components for similar users are modified relative to user production activities...So acoustic model components, including data about users and information about user activities, are thereby synchronized in all similar acoustic models across the network. (Emphasis Added).

Thus, Kanevsky is directed to speech recognition and the updating of audio models based on multiple connected computer systems and multiple users across a network. This is completely different than Applicant's amended independent claims in which, when there is a network connection between the client device and the server, the server and client device together implement *a single user speech recognition system* in which speech data is received by the server *solely from the client device* such that the acoustic model adaptor *adapts a client device specific acoustic model particularly for the client device*.

Therefore, since Kanevsky does not disclose each and every element of Applicant's amended claims, and does not disclose the identical invention, anticipation is not present. Therefore, Applicant respectfully requests that this ground for rejection be removed and the claims passed to allowance and issuance.

Further, Kanevsky, as previously discussed, does not teach or suggest the limitations of Applicant's amended independent claims, and actually teaches away from Applicant's amended independent claims, because Kanevsky is related to adapting acoustic models based on multiple connected computer systems and multiple different users that have similar characteristics.

In fact, the background section of Kanevsky in column 1, lines 51-61 sets forth the disadvantages of single user systems. Particularly, Kanevsky teaches that: "While generally recognizing spoken words with a relative high degree of accuracy, especially in a single user system, these prior speech recognition systems still, frequently, make inappropriate recognition errors. Generally, for single user systems, these errors can be reduced with additional user

specific training...However, additional training and increased data volume that must be handled during training are undesirable...”

Thus, Kavensky actually teaches away from *single user systems* Kavensky is directed to remedying the problems of single user systems with its invention directed to speech recognition based on multiple connected computer systems and adapting acoustic models based on multiple user acoustic models. As set forth in the MPEP §2145, it is improper to combine references where one of the references teaches away from the combination.

In fact, the intended function of Kavensky would be destroyed if it were attempted to be altered to, in hindsight, recreate Applicant’s amended independent claim limitations. As set forth in MPEP § 2145.X.D and 2143.01 when a §103 rejection is based upon a modification of a reference that *destroys the intent, purpose or function of the invention disclosed in the reference*, such a proposed modification is not proper and the *prima facie* case of obviousness cannot be properly made.

Thus, as previously discussed, Kavensky does not teach or suggest the limitations of Applicant’s amended independent claims 1, 11, 21, and 26, and, in fact, teaches away from Applicant’s amended independent claims. Accordingly, Applicants amended independent claims 1, 11, 21, and 26 should be allowable and passed to issuance. Further, the dependent claims that depend therefrom are also patentable.


***Conclusion***

In view of the remarks made above, it is respectfully submitted that pending claims 1-2, 4-7, 9-12, 14-17, 19-22, 24-27, 29-32, 34, and 35 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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Dated: 11/16/2004

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**Attachments**

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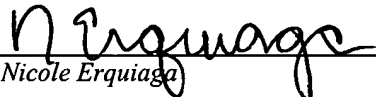
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